

Patent

REMARKS

In the office action dated January 2, 2004, the finality of the Office Action mailed on November 11, 2003 is withdrawn. Claims 1-20 are rejected under 35 USC 112, first paragraph, because it is suggested that the specification, while being enabling for accessing the entry program at the website remotely from the cellular telephone, does not reasonably provide enablement for "changing the display of the plurality of picture files on the cellular telephone remotely from the cellular telephone" as claimed. Claims 1-8, 11, 13-14, 16-19 are rejected under 35 USC 103 (a) as being unpatentable over Lukvena (PCT Pub. No. WO 00/25501) in view of Shaughnessy et al. (US Pat. No. 5,928,325 "Shaughnessy"). Claims 1-6, 18-20 are rejected under 35 USC 103 (a) as being unpatentable over Rossmann (US Pat. No. 5,809,415) in view of Wells (US Pat. No. 5,870,683).

35 USC 112 REJECTIONS

In response to the rejection of claims 1-20 under 35 USC 112, first paragraph, Applicants respectfully request reconsideration. Applicants respectfully submit that the specification provides enablement for changing the display of the plurality of picture files on the cellular telephone remotely from the cellular telephone. Applicants first note that the purpose of the entry program is to enter data associated with a picture file for displaying the picture file on a communication device such as a cellular telephone. Referring specifically to Figs. 8-10, a first data field 804 enables a user to designate the picture file to be displayed on the cellular telephone. (Page 10, lines 7-19). The numbered icon would be replaced with the picture file after the location information in the first data field 804 is entered at the step 904. (Page 11, lines

Patent
20-23). Applicants also note the entry program could be accessed remotely from the device for enabling the entry of information for a device such as a cellular telephone which has a limited user interface. In particular, a user could access the entry program remotely from a cellular telephone by accessing a website of a service provider. For example, a user could access the entry program from a home computer by accessing a website for a service provider to enter information related to the device. Such remote access to the entry program can be particularly beneficial for a device having a limited user interface, such as a cellular telephone. (Page 10, lines 29-33). Applicants also note that the entry program enables entering and/or changing information related to a picture file. (Page 11, line 32 – page 12, line 8). Accordingly, Applicants submit that the specification clearly provides enablement for “changing the display of the plurality of picture files on the cellular telephone remotely from the cellular telephone.”

35 USC 103 (a) REJECTIONS

Any Combination of Lukvena and Shaughnessy Does Not Lead To Applicants' Invention

In response to the rejection of claims 1-8, 11, 13-14, 16-19 as being unpatentable over Lukvena in view of Shaughnessy, Applicants have amended independent claims 1, 11 and 16 to more clearly distinguish over the cited references. In particular, each independent claim as amended includes a step of:

enabling a user to access said plurality of picture
files remote from said cellular telephone on an entry
program by way of a website associated with a service
provider; and

Patent

changing the display of said plurality of picture files on said cellular telephone based upon input from said user entered remote from said cellular telephone on said entry program by way of said website associated with said service provider.

Support for the amendments can be found on page 10, lines 29-33, page 11, lines 20-23, and page 11, line 32 – page 12, line 8.

Applicants respectfully submit that neither Lukvena nor Shaughnessy discloses or suggests (i) enabling a user to access a plurality of picture files remote from a cellular telephone on an entry program by way of a website associated with a service provider, or (ii) changing the display of the plurality of picture files on a cellular telephone based upon input from said user entered remote from the cellular telephone on an entry program by way a website associated with the service provider as claimed by Applicants. Accordingly, Applicants respectfully submit that combining any teaching of Shaughnessy and Lukvena would not lead to Applicants' invention.

In fact, Lukvena teaches away from changing the display of a plurality of picture files remotely. Lukvena is directed to a wireless communication device using graphical images to simplify the calling process. Lukvena specifically describes in Fig. 8 the operation of downloading a graphic image into the phone. In particular, after downloading and storing an image, the user selects the desired image, such as by activating the scroll buttons 120 on the system 100 to move the desired graphic image. After storing any desired numbers with the graphic image, the user can then again use the scroll buttons 120 to select the desired graphic image to place a call for example. (Page 13, lines 13-39.) Accordingly, Lukvena discloses using

Patent

a user interface on the cellular phone to change the picture files on a display of a cellular telephone, but fails to discloses or suggests changing the display of picture files based upon input from a user entered remote from the cellular telephone on an entry program. Lukvena also fails to disclose enabling a user to access a plurality of picture files remote from a cellular telephone on an entry program by way of a website associated with a service provider.

Similarly, Shaughnessy fails to disclose or suggests enabling a user to access a plurality of picture files remote from a cellular telephone on an entry program by way of a website associated with a service provider or changing the display of picture files based upon input from a user entered remote from the cellular telephone on an entry program. Shaughnessy is cited for downloading digital images by way of a telecommunications network, such as by way of an email. Shaughnessy is directed to a telecommunication network having a central agent 15 receiving an incoming email message directed to an identified recipient. Initially, the central agent 15 will attempt to identify those networks having an available device to which all or part of an email message may be sent. Once the availability of the recipient user devices is determined, the central agent 15 will examine the content of the email message to determine what portions of the message to send to the various devices. That is, the central server determines what portions of a message to send to a particular device based upon the capability of the device. However, Shaughnessy fails to overcome the deficiencies of the primary reference by failing to disclose or suggest enabling a user to access a plurality of picture files remote from a cellular telephone on an entry program by way of a website associated with a service provider or changing the display of a plurality of picture files based upon input from a user entered remote from the cellular telephone on an entry program by way of a website. Accordingly, any combination of Lukvena

Patent

and Shaughnessy would not lead to Applicants' invention.

Any Combination of Rossmann and Wells
Does Not Lead To Applicants' Invention

In response to the rejection of claims 1-6, 18-20 as being unpatentable over Rossmann in view of Wells, Applicants respectfully submit that the claims as amended are also allowable over any combination of Rossmann and Wells. Rossmann is directed to a two-way data communication device such as a data ready cellular telephone, a two-way pager, or a telephone which communicates via a two-way data communication network with a server computer on a computer network, such as a corporate wide area network, a corporate local area network, or the Internet. The two-way data communication device utilizes a client module to transmit messages to a server on a server computer on the computer network. The server processes the message and transmits a response over the two-way data communication network to the client module. The client module interprets the response and presents the response to the user via a structured user interface. (Col. 4, lines 29-46). An important aspect of this invention is that the message from the server includes all information necessary for the client module to generate the user interface for the wireless communication device 100. However, Rossmann fails to disclose or suggest changing the display based upon input from a user entered remote from the cellular telephone on an entry program by way of a website as claimed by Applicants. Further, Rossmann fails to disclose or suggest enabling a user to access a plurality of picture files remote from a cellular telephone on an entry program by way of a website associated with a service provider.

Wells is cited for disclosing a program for displaying a plurality of picture files.

Patent

Wells is directed to a method for operating a wireless user terminal or mobile station to selectively display one of a plurality of graphical information sequences on a display of the mobile station. The graphical information sequences are also referred to simply as "an animation." The animation, such as those shown in Figs. 3 and 4, comprises a plurality of logically related animated frames which are displayed sequentially to present a message on the display. However, Wells also fails to disclose or suggest enabling a user to access a plurality of picture files remote from a cellular telephone on an entry program by way of a website associated with a service provider or changing the display of a plurality of picture files on the cellular telephone based upon input from a user entered remote from the cellular telephone on an entry program by way of a website. Accordingly, any combination of Rossmann and Wells would not lead to Applicants' invention.

Finally, Applicants have amended the specification to include serial numbers of related applications in the first paragraph of the application.

Applicants gratefully acknowledge the telephone conference with the Examiner on January 28, 2004 enabling Applicants to put the claims in allowable form. For the reasons set forth above, Applicants respectfully submit that the claims as amended are clearly in allowable form.

Respectfully submitted,


John J. King
Reg. No. 35,918
Telephone: (630) 480-8520

LAVAFLOW, LLP
1481 Cantigny Way
Wheaton, Illinois 60187